

73D. FOOD CARTS

73D.01. Permit Required. Any person licensed by the Olmsted County Health Department or the State of Minnesota to sell food may apply to the City Council by and through the City Clerk's Office for a special permit to operate a food cart in the Peace Plaza. Peace Plaza is defined as that portion of First Street Southwest lying between the east line of First Avenue Southwest and the west line of the public alley. Such permit shall be valid for one year from the date of Council approval. For purposes of this ordinance the term food cart means a food and beverage service establishment that is a non motorized vehicle self propelled by the operator.

73D.02. Restrictions. (a) No more than three food cart permits will be issued for the Peace Plaza. Permits will be issued on a first come first serve basis.

(b) Each permit issued pursuant to this article shall specify the area in which such food cart may be operated; provided that no permit shall be granted for any portion of the public sidewalk area of the Peace Plaza.

(c) No permit issued pursuant to this article shall allow any permanent installation to be placed on or in the Peace Plaza, or permit the placing of any tables, chairs, furnishing, or other equipment, except trash receptacles, which shall be removed with the food cart at the close of each business day.

(d) The food cart area will be required to be swept and cleaned daily by the permit holder. Each vendor shall provide trash receptacles of sufficient size to meet the needs of his business. Failure to properly maintain the food cart vendor area is cause for revocation of a permit.

(e) Unless specifically provided for in the permit approval, the food cart vendor shall be responsible for provision of electricity or other power required for his food cart.

(f) A scaled diagram will be required to be submitted with information as requested on the application, including but not limited to the requested food cart location, the dimensions of the food cart and the type food and/or beverage to be provided by the vendor.

(g) No permit shall authorize a food cart at any location where the same is prohibited by State law, or this Code or Ordinances, except as herein provided.

(h) Except as specifically provided, the ownership, operation, and maintenance of a food cart shall be subject to all applicable laws, ordinances, and regulations.

(I) No food cart permit shall be issued for the sale of liquor, wine, or beer.

(j) Food cart vending hours are limited to 10:00 AM to 10:00 PM.

(k) A food cart permitted under this section may not exceed seven feet in length or 3.5 feet in width.

73D.03. Permit Procedure. (a) An Applicant for a permit under this article shall file his application with the City Council on forms provided by the City Clerk.

(b) The City Clerk shall notify the City Administrator's Office, the Park Department, the Public Works Department, the Police Department, and the County Health Department of such application and they shall each report to the City Clerk and make such recommendation as they deem appropriate.

(c) The recommendation of these departments, including the recommended specific location for the food cart shall be reported to the City Council for its action.

73D.04. Insurance. No permit authorized by this article shall be effective until

the applicant has filed with the City Clerk evidence of insurance insuring the applicant against liability imposed by law arising out of the ownership, maintenance, or operation of such food cart in amounts of at least fifty thousand dollars (\$50,000) for the injury or death of one (1) person, three hundred thousand dollars (\$300,00) for the injury or death of two (2) persons, and ten thousand dollars (\$10,000) for damage to property. The City shall be named as an additional named insured in the policy providing such insurance, and such policy shall further provide that it may not be cancelled except upon ten days (10) written notice filed with the City Clerk.

No permit issued pursuant to the provisions of this article shall be valid at any time the insurance required herein is not maintained and evidence of its continuance filed with the City Clerk.

73D.05. Permit Suspension and Revocation. (a) Any special permit authorized by this article may be revoked at any time by the City Council when it appears that adequate grounds exist. Any such permit may be suspended by the City Council for such period as the Council shall determine.

(b) Upon the conviction of the permittee, his agent, servant, or employee for the violation of any City ordinance or State law in connections with the ownerships, maintenance, or operation of such food cart, the permit therefore shall automatically become suspended, which suspension shall continue until the Council has acted thereon.

(c) The City reserves the right to temporarily suspend food vending permits during Peace Plaza special events as such events may be approved by the Council.

73D.06. Permit Fees. (a) Each year at the time of filing the application for a permit, the applicant shall pay to the City Clerk the sum of one hundred-fifty dollars (\$150).

(b) In addition to the above amount applicants requesting the use of Peace Plaza electrical service shall pay one hundred- fifty dollars (\$150).